



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

April 22, 2008

RECEIVED

APR 23 2008

LORETTA A. PRESKA
U. S. DISTRICT JUDGE
S. D. N. Y.

BY HAND

Hon. Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Suite 1320
New York, New York 10007

Re: *Mumtaz Khan v. U.S. Citizenship & Immigration Service, et al.*,
No. 07 Civ. 6796 (LAP) (AJP)

Dear Judge Preska:

This Office represents the defendants in the above-referenced action, which seeks to compel various federal agencies to complete their adjudication of plaintiff's naturalization application. Under the prevailing schedule, our reply brief in further support of the Government's motion to dismiss this case for lack of subject matter jurisdiction is due on Friday. I am pleased to report, however, that as of yesterday morning plaintiff's application has cleared the FBI name check process and he is scheduled to be fingerprinted on May 5, 2008. That being so, the parties respectfully request that the briefing on the Government's motion be suspended for a period of 90 days, during which time we expect that the Citizenship and Immigration Service will have definitively acted on the application (i.e., plaintiff will either have been sworn in as a citizen, or his application will have been finally denied), mooted this case. We will of course let the Court know promptly when that happens.

Thank you for your consideration of this request.

The motion is marked off the calendar, subject to reinstatement by letter following the expiration of 90 days.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

MATTHEW L. SCHWARTZ
Assistant United States Attorney
Telephone: (212) 637-1945
Facsimile: (212) 637-2750
E-mail: matthew.schwartz@usdoj.gov

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

April 23, 2008

cc: BY FACSIMILE

Rakhel Speyer Milstein, Esq.
Assadi & Milstein, LLP
200 West 57th Street, Suite 900
New York, New York 10019
Facsimile: (212) 980-2968